

REMARKS

In response to the Restriction Requirement set forth in the Office Action, Applicants hereby elect the invention of Group I, claims 1-27 and 31, drawn to a negative electrode for a non-aqueous secondary battery and a non-aqueous secondary battery. Applicants note that there appears to be a clerical error in the Office Action with respect to the listing of the claims in Group I. Specifically, the Office Action indicates that claims 1-27 and 28 are in Group I. However, Applicants believe the correct claims should read claims 1-27 and 31. In this regard, claim 28 is recited in Group II, and claim 31 is drawn to the non-aqueous secondary battery of Group I.

In response to the Species Election Requirement, Applicants elect general species B), the negative electrode with a surface coating layer (e.g., as recited in claims 2, 4 and 5-7); and the Sub-Species 1) the specific active material of claim 8 (i.e., single Si or Sn) as the elected species for examination on the merits. It is believed that claims 1-27 and 31 are readable on the elected species.

Kindly consider the possibility of rejoinder of the non-elected invention, upon determination of allowance of the elected invention, per U.S. rejoinder practice (MPEP §821.04). Also, please consider examination of an additional species, upon determination of allowance of the generic claims, in accordance with U.S. election of species practice.

Favorable action on the merits is solicited.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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